MR. N. KUMARAN (*Nominated*): How is it that these *charkas* were seized when they did not obstruct anybody from passing from one side of the road to another?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As I have already said, on account of these *charkas*, all sorts of people gathered together causing much inconvenience to the shop-owners and the public who wanted to visit the shops. That was the obstruction caused by the *charkas*; and that necessitated their seizure.

MR. N. KUMARAN (*Nominated*): Are the Government aware that the barricade that they have put up across the road is producing much inconvenience to the people on account of the obstruction caused thereby?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Government are not aware that it is causing any obstruction.

Removal of Charkas by the Police at Vaikam.

56. MR. A. HOOGEWERF (*Nominated*): (*a*) Are the Government aware of the seizure of *charkas* by the Police at the Vaikam road, and, if so, what is the number so seized?

(*b*) In doing so, had the Police any Government authority behind them?

(*c*) If not, what action have the Government taken against the policemen concerned?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): (*a*) to (*c*) The member is referred to the answers to the question put by Mr. Joseph Panjikaran and to question 55.

MR. A. HOOGEWERF (*Nominated*): May I know how many *charkas* were returned to the *Satyagrahis*? It is stated that fifteen were seized. I want to know how many were returned.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe that all of them were returned. There is no definite information on the point.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that a few of them were destroyed?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Government are not aware.

MR. A. HOOGEWERF (*Nominated*): Have the Government made an enquiry?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): What was the necessity for an enquiry?

MR. A. HOOGEWERF (*Nominated*): The report in the newspapers that *charkas* were taken and that all of them were not returned.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): There was no specific allegation by anybody complaining that any *charka* was not returned.

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[Mr. A. Hoogewerf]

MR. A. HOOGEWERF (*Nominated*): Do the *Satyagrahis* as a rule make complaints?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If they do not make complaints, they must thank themselves for it. (*Laughter.*)

MR. A. HOOGEWERF (*Nominated*): How many days after the *charkas* were seized were they returned?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Government have no information.

MR. A. HOOGEWERF (*Nominated*): Was it under the orders of the Government that they were returned?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It does not appear to be so from the papers.

MR. A. HOOGEWERF (*Nominated*): What were the *Satyagrahis* prosecuted for? Was it for making noise with the *charka* or for singing and causing obstruction to the public?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is distinctly stated in the answer.

PRESIDENT: The answer states that they were prosecuted under Section 35 (*b*) and (*d*) of the Police Regulation.

MR. A. HOOGEWERF (*Nominated*): Is it not for making noise by singing "hoarsely," attracting a crowd, spinning, and causing obstruction?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes.

MR. A. HOOGEWERF (*Nominated*): How many for singing hoarsely?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): A separate statement has not been called for.

MR. A. HOOGEWERF (*Nominated*): Was the *charka* taken as a *thondi*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Government have no information.

MR. A. HOOGEWERF (*Nominated*): I want to know whether the *charkas* were taken as *thondi* articles.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): What is the meaning of the word *thondi*?

PRESIDENT: *Corpus delicti.*

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am not aware.

MR. A. HOOGEWERF (*Nominated*): Was there any necessity for seizing these *charkas*?

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MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Since, after repeated requests, the *Satyagrahis* did not give up spinning which caused nuisance to the neighbouring shop-keepers and the public, the Police were bound to abate the nuisance by exercising the power vested in them.

MR. A. HOOGEWERF (*Nominated*): How far from the scene of occurrence were the shops?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Quite near.

MR. A. HOOGEWERF (*Nominated*): How many yards?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know the actual number of yards.

MR. A. HOOGEWERF (*Nominated*): Was any written complaint received from any shop-keeper or any other individual?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The shop-keepers have complained.

MR. A. HOOGEWERF (*Nominated*): Does the Press Communiqué to which I have referred say so?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Written complaints were made by the shop-keepers.

MR. A. HOOGEWERF (*Nominated*): The Press Communiqué says nothing on this point.

Is it not an invasion of the personal right of an individual to take away from him by force anything that belongs to him?

PRESIDENT: It is a matter of opinion and I cannot allow you to put the question.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Ask me outside the House and pay me for it and I shall say. (*Laughter.*)

MR. A. HOOGEWERF (*Nominated*): I thought he was standing here as a lawyer.

PRESIDENT: Not to answer questions relating to opinions.

MR. A. HOOGEWERF (*Nominated*): I am asking a question only as regards a point of law.

PRESIDENT: He is not bound to answer.

MR. A. HOOGEWERF (*Nominated*): Was not this act of wrenching away *charkas* from these people a provocative act?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Police in so doing were only discharging their duty to the public.

MR. A. HOOGEWERF (*Nominated*): On what did the District Magistrate base his report referred to in the Press Communiqué issued by the Chief Secretary?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vaikl*): I have already stated that he based the report on the enquiry made personally by him. What exactly he did it is not possible to know.

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[President.]

MR. A. HOOGEWERF (*Nominated*): Is it not on the report of the Assistant Superintendent of Police that the report was based?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It might have been one of the materials on which the report was based?

MR. A. HOOGEWERF (*Nominated*): Does the report say that he made personal enquiries?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): He did enquire.

MR. A. HOOGEWERF (*Nominated*): Does the Communiqué say that he made personal enquiries? He only refers to the report made by the Assistant Superintendent of Police.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No. I have already stated that the District Magistrate has submitted the report on an enquiry made by him.

MR. A. HOOGEWERF (*Nominated*): When did the Ag. Commissioner of Police go to Vaikam?

PRESIDENT: It does not arise out of this.

MR. A. HOOGEWERF (*Nominated*): Is it not on the same day or on the next day after the trouble?

PRESIDENT: I think it is answered elsewhere. But it does not arise out of this.

MR. A. HOOGEWERF (*Nominated*): Was the Ag. Commissioner of Police on the scene when all this trouble took place?

PRESIDENT: It does not arise out of this question.

MR. A. HOOGEWERF (*Nominated*): In the Press Communiqué issued by the Chief Secretary, it was stated that the District Magistrate said thus:

"It is no doubt true that the Congress volunteers were trained to non-violence and I may also add that no use of force by them had been brought to notice".

The Ag. Police Commissioner stated before this House thus:

"To avoid using force on the person, the police began to remove the *charkas*. The volunteers began to offer resistance quite contrary to their creed."

These two statements do not tally. What is the explanation?

PRESIDENT: You cannot ask him to explain. Mr. Subba Aiyar is not bound to explain.

MR. A. HOOGEWERF (*Nominated*): From the Communiqué I understand that there was some pushing back or so and no other assault was committed by the Police. In the Ag. Police Commissioner's speech—

PRESIDENT: You cannot bring to the notice of the House the difference between what is contained in the Press Communiqué and what the Ag. Police Commissioner said on a different occasion.

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MR. A. HOOGEWERF (*Nominated*) : From the Press Communique I understand that, in the removal of *charkas*, there was pushing or so. What is meant by "*or so*" ? (*Laughter.*)

PRESIDENT : You may put your own interpretation upon it.

MR. A. HOOGEWERF (*Nominated*) : What was the nature of the "other assault" committed in addition to pushing ? It implies an assault of some other nature also.

PRESIDENT : With regard to the interpretation of the language, you may put your own interpretation upon it. You may comment upon it as you like, but it does not form the subject of a question.

MR. A. HOOGEWERF (*Nominated*) : Is it a fact that the anti-*satyagrahis* began to beat upon empty kerosene tins ?

PRESIDENT : I must disallow that question as it does not arise out of this.

Prohibitory Order on Mr. Aiyappan.

57. MR. N. KUMARAN (*Nominated*) : (*a*) Are the Government aware that the Kottayam District Magistrate has recently issued a prohibitory order to Mr. K. Aiyappan, B. A., asking him not to address public meetings in that District ?

(*b*) Will the Government be pleased to place on the table copies of all the papers connected therewith, including reports of the speeches which Mr. Aiyappan might be alleged to have made ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) :

(*a*) Yes.

(*b*) The answer is in the negative.

MR. N. KUMARAN (*Nominated*) : I want to know how many speeches were delivered by Mr. Aiyappan and reported to Government.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : Some speeches. I am not just now aware of the exact number.

MR. N. KUMARAN (*Nominated*) : Where were those speeches delivered ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : I am not in a position to state exactly the places where those speeches were delivered.

MR. N. KUMARAN (*Nominated*) : My question is whether Government have got reports about these speeches.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : Certainly.

MR. N. KUMARAN (*Nominated*) : If so, they must be able to tell the House—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : Not necessarily. The answer to question (*b*) is in the negative.

MR. N. KUMARAN (*Nominated*) : I am not asking for that. I want to know the number of the speeches delivered and the places where those speeches were delivered.

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